

## **EXHIBIT K**

# GENERAL HANDBOOK OF INSTRUCTIONS

Published by  
The Church of Jesus Christ of Latter-day Saints  
Salt Lake City, Utah

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## DISTRIBUTION

General Authorities, general Church department heads and auxiliary presidencies, directors of temporal affairs, Regional Representatives (1 copy each)

Temple president (4 copies)

Stake president (5 copies)

Bishop (4 copies)

Mission president (3 copies)

District president (5 copies)

Branch president (3 copies)

Local Church officers could make a copy of the handbook available temporarily, as needed, to such leaders as high councilors, high priests group leaders, elders quorum presidents, stake mission presidents, ward mission leaders, executive secretaries, and clerks.

This handbook has been prepared solely for use by general and local Church officers to administer the affairs of the Church. It should not be duplicated. When a Church officer who has a copy of the handbook is released, he is to transfer the copy promptly to his successor or to his presiding authority.

## MISSION APPLICATION

Mission presidents and district and branch presidents in missions are to follow the instructions in this handbook as far as they are applicable. Each mission president determines whether any modification to the instructions is necessary in his mission after consulting with, and as directed by, his Area Presidency.



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This handbook has been prepared to guide priesthood officers so "that they themselves may be prepared, and that my people may be taught more perfectly, . . . and know more perfectly concerning their duty, and the things which I require at their hands" (D&C 105:10). The instructions in this handbook should guide servants of the Lord in directing the Church and helping to strengthen families.

This 1989 edition supersedes all previous editions of the *General Handbook of Instructions*, which should be destroyed.

Detailed instructions regarding priesthood, auxiliary, and other Church programs are included in organizational handbooks and other administrative publications whose provisions are not repeated here.

The *Bulletin* contains supplemental instructions.

Correspondence from the First Presidency contains changes in policy and procedure. When the instructions in this handbook are changed, leaders should mark the change in their copies and include the date and source of the change. Leaders should keep this handbook, issues of the *Bulletin*, and correspondence from the First Presidency together in a loose-leaf binder. Leaders should direct any questions concerning handbook instructions to their presiding authority.

Church officers should be familiar with the instructions in this handbook. Beyond these instructions, they should earnestly seek the guidance of the Holy Spirit for direction as they serve the Lord in their callings. They should follow the admonition of the Lord, "Wherefore, now let every man learn his duty, and to act in the office in which he is appointed, in all diligence" (D&C 107:99).

The First Presidency



## RESPONSIBILITY FOR FINANCES

The stake president is responsible for stake finances, and the bishop is responsible for ward finances. Clerks do the record-keeping *but the accountability remains with the stake or ward leader.*

This section of the handbook includes only general policies and procedures for handling stake and ward funds and keeping financial records. Specific instructions are included with forms and other record-keeping instructions.

Current and accurate financial records can help stake presidents and bishops account for and protect the sacred funds of the Church. They can use these records for such purposes as preparing budgets and providing information to members on their financial contributions.

## TITHING

### Definition of Tithing

The First Presidency has written: "The simplest statement we know of is the statement of the Lord himself, namely, that the members of the Church should pay 'one-tenth of all their interest annually,' which is understood to mean income. No one is justified in making any other statement than this" (First Presidency letter, 19 Mar. 1970; see also D&C 119).

### Who Should Pay Tithing

All Church members who have income should pay tithing, with the following exceptions:

1. Members entirely dependent upon Church welfare assistance.
2. Full-time missionaries. (However, missionaries should pay tithing on personal income beyond the amounts they receive for their support.)

Local leaders should refer to tithing settlement instructions on recording a member's tithing status on the annual tithing and donations report.

### When Tithing Is Paid

Local leaders should encourage members to pay tithing as they receive their income. However, those who wish to pay annually may do so.

### Use of Tithing Funds

*Bishops may not use tithing funds for any purpose. All tithing funds must be sent to Church headquarters or to the area office (see D&C 120).*

Bishops should hold tithing settlement near the end of each year. Only bishops may hold tithing settlement.

All members should attend tithing settlement to make sure their donation records are correct and to declare to the bishop their status as tithe payers. All members of a family should attend tithing settlement. It provides an opportunity for the bishop to discuss with families the principle of tithing, encourage a generous fast offering, and discuss other financial and spiritual matters.

Specific instructions for holding tithing settlement are included with forms and other financial records instructions.

## FAST OFFERINGS

Fast offerings should be, as a minimum, the equivalent value of two meals not eaten during the fast. Members should give more if they can.

Bishops may use fast-offering funds to assist needy members while they work to become self-reliant. Bishops may use fast offerings to provide food, clothing, shelter, medical assistance, or other life-sustaining aid for the needy.

Whenever possible, bishops should provide commodities and services rather than cash. They should not *lend* fast-offering funds to members. If a member is assisted and later can repay such assistance, he should do so by giving a generous fast offering.

Members should donate fast offerings freely, without designating how these funds are to be used. Bishops may not enter into arrangements or make commitments to turn a member's fast-offering donation over to an individual or family, or use it for a special purpose designated by the donor.

Additional instructions on receiving, using, and recording fast offerings are included in the welfare handbook and in financial records instructions.

## MISSIONARY FUNDS

### Ward Missionary Funds

Each bishop is to make sure that missionaries called from his ward receive the funds they need and receive them at the time they are needed.

Funds contributed for missionary work are to be receipted the same as other donations and credited to the ward missionary fund.

Amounts sent to each missionary should not exceed the amounts estimated by the Missionary Department for the mission (or as modified in writing by the mission president). The bishop should send funds directly to the missionary or his bank account. He does not return them to the donor for mailing to the missionary.

Financial clerks in wards that send funds to missionaries should keep a file that includes (1) documents showing how the monthly amount sent to each missionary was determined, (2) a record of each amount sent, and (3) the addresses to which the funds were sent. The file is to be kept for five years after the missionary is released.

### Soliciting Funds

Church leaders are not to solicit funds for any purpose, including the support of missionaries, outside the boundaries of their own Church units. Full-time missionaries or their families must not be asked to subsidize or otherwise provide financial support for other missionaries or for Church members living in the area where the missionaries are serving.

### General Missionary Fund

Missionaries may receive supplemental assistance from the General Missionary Fund if they need such assistance. Church members who are able to do so should be encouraged to contribute generously to the General Missionary Fund.

Stake presidents and bishops should send missionary funds and other funds that exceed reasonable stake and ward needs to the General Missionary Fund at Church headquarters. Bishops or individuals may contact Church headquarters for further information about contributions to the General Missionary Fund.

## BUDGETS

### Stake and Ward Budgets

Every stake and ward should prepare and operate on a budget. Stake presidencies and bishoprics should use wise and prudent budgeting principles to be sure that the cost of Church membership is not burdensome to members.

Stake presidencies and bishoprics should begin preparing budgets well before the beginning of each calendar year by taking the following suggested steps:

1. Review amounts spent during the previous year to be sure recurring expenses are considered.
2. Ask organizations to estimate their budget needs in detail.
3. Compile the budget. They should make sure projected expenses do not exceed anticipated income.
4. Present and discuss the proposed ward budget with members in a special meeting called for that purpose.
5. Call for a sustaining vote. The vote is to accept and support the budget, not to sustain stake and ward leaders.
6. Prepare the final ward budget, which need not be presented again to ward members.
7. Monitor expenses throughout the year to avoid exceeding the budget.

## Voluntary Contributions

The bishop may suggest contribution amounts for ward members based on their ability to pay. He should invite members to voluntarily accept their responsibility to support Church programs. However, he should not ask them to (1) pay a specified percentage of their income into the budget or building funds, (2) give postdated checks, or (3) borrow money to pay their voluntarily assumed obligations.

Bishops may invite nonmembers who participate in ward programs and activities to contribute to the budget.

## SPECIAL ACTIVITIES AND PROJECTS

Ordinarily, stake and ward leaders should use budgeted funds to finance stake and ward activities. However, they sometimes may finance special activities, such as dinners, dances, and regional or area festivals or sports tournaments, by suggested donations. Donations may be received in advance or at the door.

Proposed financing for special projects (projects not included in the budget) requires the approval of the adult members of the stake or ward before leaders may solicit or commit any funds.

## CONFIDENTIALITY OF TITHING AND DONATIONS

The amount of tithing or donations paid by a member is *confidential*. Only the bishop and those authorized to handle tithing and donations should know the amount. Stake presidents and bishops are not to announce the total amount of tithing received.

On a need-to-know basis, bishops may tell quorum presidents or group leaders whether individual members of their quorums or groups are full-tithe payers, contributors to the tithing funds, or exempt. Priesthood leaders should keep such information confidential.

## HANDLING FUNDS

### Receiving Tithes and Donations

The Lord placed with bishops the responsibility to receive and account for the tithes and offerings of the Saints. It is a sacred trust (see D&C 119 and 42:30–33).

Only the bishop and his counselors may receive tithes and donations. Under no circumstances should their wives, other members of their families, or other ward members receive tithes and donations.

Church members should not place their tithes and donations in a donations box.

Aaronic Priesthood holders are *not* to receive tithes and other donations while collecting fast offerings.



Members are to make checks payable to the ward, not to the bishop or the Church.

### Verifying Tithing and Donations

Two persons, the bishop or one of his counselors and the clerk, are to open the donations envelopes together to verify that the funds enclosed are the same as the amount written on the donations slips. They are to resolve with the donors any differences between the enclosed funds and the amounts listed on the donations slips as soon as contact can be made.

Bishops should see that tithing funds are sent to Church headquarters or the area office as soon as possible after they are received. Additional instructions are included with forms and other financial records instructions.

### Safeguarding Church Funds

Stakes, wards, priesthood quorums and groups, and Scouting organizations are to safeguard funds as specified in the following procedures.

Bishops are to deposit all funds in a bank checking account according to financial records instructions.

The ward is to have only one checking account. All funds should be handled through that checking account. Auxiliary organizations may not have checking accounts or petty cash funds. However, Melchizedek Priesthood quorum funds (see the *Melchizedek Priesthood Leadership Handbook*) and Scouting funds (see "Scouting Funds," on this page) should be maintained in checking accounts that are separate from ward accounts. These funds should not be mixed with ward funds.

Stake presidents and bishops must be certain that Church funds are not deposited to the account of an individual or mixed with personal funds.

Donations envelopes should be opened and the bank deposit should be prepared on Sunday. The bishop or one of his counselors should deposit the funds in the bank the same day, if possible, but never later than the following day. They should use a night depository on Sunday if one is available. Another person should accompany the member of the bishopric who deposits funds. A clerk should not deposit Church funds.

Those responsible for Church funds must never leave them in the meetinghouse overnight and never leave them unattended any time, such as during meetings and activities.

The bishop should have the bank mail the bank statement directly to his home, not to the meetinghouse or the clerk's home. The bishop should open each bank statement promptly, review it, then give it to the clerk to be reconciled. The bishop should review and sign the reconciliation.

Checks require two authorized signatures. Usually, the bishop, his counselors, and a clerk are authorized to sign checks. The counselors and clerk should not sign a check unless the bishop has ap-

proved the expenditure. A check never should be signed until it is filled out completely.

Checkbooks and blank checks must never be left unattended. They should be stored in a locked file or cabinet. Blank checks should be reviewed periodically to see whether any are missing. The numbers of missing blank checks should be reported immediately to Church headquarters or the area office, and the bank asked to stop payment on missing checks.

### Receipting Tithing and Donations

All tithing and donations should be receipted according to financial records instructions. Receipts should be issued as soon as possible for cash received and for all noncash tithing and donations received.

### Local Unit Savings Accounts and Time Deposits

A Church savings program for Church units is available at Church headquarters and area offices for stake, district, ward, and branch funds only. It provides both regular savings and time deposit accounts. Regular savings accounts permit the withdrawal of funds on demand.

To get current rates and additional information on Church savings, local leaders may contact Church headquarters or the area office.

### In-Kind Donations, Including Tithing

As a general practice, the Church discourages paying tithing in kind, but encourages the donor to dispose of the property and then pay tithing in cash. However, tithing in kind may be accepted in certain cases, and the payment of tithing in kind may be a common practice in some areas of the world.

The Church accepts (1) stocks, bonds, or other securities that are marketable immediately and (2) some marketable real estate. Before accepting them, local leaders should call Church headquarters or the area office.

If members want to donate any other items, the bishop should clear acceptance of the donation with the stake president. The stake president should contact Church headquarters or the area office for approval before the items are accepted.

*Receipts to donors of tithing in kind are issued only by Church headquarters or the area office; they show no monetary value for the items contributed.*

### LDS Foundation

The LDS Foundation has been established to encourage, facilitate, and accept voluntary philanthropic contributions to the Church and its related organizations and activities.

### Scouting Funds

Bishops should keep funds collected and used to support Church-sponsored Scouting organizations separate from ward funds. They should account for

his counselors or a disciplinary council. Informal discipline may be sufficient for genuinely repentant persons, especially those who have confessed voluntarily, first offenders, those who have not violated temple covenants by their transgression, and those with significant mitigating circumstances. (See D&C 42:25–26; for other considerations in decisions, see “Considerations in Church Discipline,” p. 10-9).

Types of informal Church discipline are (1) private counsel and caution and (2) informal probation.

### **Private Counsel and Caution**

Bishops should counsel members to avoid transgressions and should take preventive action to help members resist unusual temptations they may face. For example, members subject to temptation while divorced or during courtship, members having difficulty in their marriages, and members struggling with minor moral problems may be protected and strengthened by special counseling designed to guard against major transgressions. Bishops need not wait for members to seek such help, but may call them in for counseling.

### **Informal Probation**

A bishop (or a stake president) may temporarily restrict a member's privileges as part of an informal probation. Such restrictions may include suspending the right to partake of the sacrament, to hold a Church position, or to enter a temple. Wisely administered and humbly received, such restrictions can be very effective in helping a transgressor repent.

To participate in temple ordinances, a member should be fully worthy. Consequently, an informal probation would frequently include suspending a member's right to enter a temple. In such instances the member's recommend should be surrendered for the period of suspension.

In less serious cases, a bishop may determine that a member needs a more active rather than a less active exercise of the privileges of Church membership. In these cases, an informal probation may include positive conditions, such as regular Church attendance or reading selected scriptures or Church literature, for example.

A bishop generally should not inform anyone of his decision to put a member on informal probation. No official record is made of such decisions but the bishop may make private notes for his own guidance. He should keep these notes secure and should destroy them after the probation is concluded. If the bishop is released or if the member moves to a new ward before the conclusion of an informal probation, the bishop may inform the new bishop to the extent necessary for the new bishop to supervise the remaining probation.

When a member on informal probation makes specified progress or meets prescribed conditions, the bishop may terminate the probation and so inform the member. If the member fails to make the

progress or to meet the prescribed conditions, additional disciplinary action may be required.

## **FORMAL CHURCH DISCIPLINE**

Formal Church discipline is ecclesiastical. It can affect only a member's standing in the Church (see D&C 134:10). It is administered in a disciplinary council (formerly called a Church “court”).

For members in stakes, a bishopric or a stake presidency administers formal Church discipline. In a mission, the mission president administers formal Church discipline for full-time missionaries. For members in a mission branch or district, formal Church discipline is administered by or under the direction of the mission president. (See “The Disciplinary Council,” p. 10-5).

At times, a disciplinary council is the only way to help a transgressor repent, to protect the innocent, or to safeguard the purity and good name of the Church. A common judge who is unwilling to proceed in such cases is not fulfilling his calling. Bishops and stake presidents should approach a disciplinary council with a prayerful desire to help, not to condemn.

### **When a Disciplinary Council Is Mandatory**

A disciplinary council must be held when evidence indicates that a member is guilty of any of the following transgressions.

#### **Murder**

As used here, murder refers to the deliberate and unjustified taking of human life. It requires excommunication. Abortion is not defined as murder for this purpose. If death was caused by carelessness or by defense of self or others, or if overriding mitigating circumstances prevail (such as deficient mental capacity or wartime conditions), the taking of a human life may not be defined as murder. Bishops and stake presidents should direct questions to the office of the First Presidency, giving the facts of the case.

#### **Incest**

As used here, incest refers to sexual relations between a parent and a natural, adopted, or foster child or stepchild. It generally requires excommunication. A grandparent is considered the same as a parent. Bishops and stake presidents should direct questions to the office of the First Presidency, giving the facts of the case.

#### **Apostasy**

As used here, apostasy refers to members who (1) repeatedly act in clear, open, and deliberate public opposition to the Church or its leaders; (2) persist in teaching as Church doctrine information that is not Church doctrine after being corrected by their bishops or higher authority; or (3) continue to follow the teachings of apostate cults (such as those that advocate plural marriage) after being corrected by their bishops or higher authority. In such cases,



excommunication may be necessary when repentance is not evident after counseling and encouragement. Total inactivity in the Church or attending or merely holding membership in another church does not constitute apostasy.

Church leaders must take disciplinary action against those who are in apostasy to protect the membership at large. The Savior taught the Nephites that they should continue to minister to a transgressor, but "if he repent not he shall not be numbered among my people, that he may not destroy my people" (3 Nephi 18:31; see also Mosiah 26:36).

#### Serious Transgression While Holding a Prominent Church Position

A disciplinary council must be held for a member who committed a serious transgression while holding a prominent Church position, such as Regional Representative; temple mission, or stake president; patriarch; or bishop.

As used here, *serious transgression* means a deliberate and major offense against morality. It includes (but is not limited to) attempted murder, rape, forcible sexual abuse, intentionally inflicting serious physical injuries on others, adultery, fornication, homosexual relations, child abuse (sexual or physical), spouse abuse, deliberate abandonment of family responsibilities, robbery, burglary, embezzlement, theft, sale of illegal drugs, fraud, perjury, or false swearing.

Criminal charges may or may not necessitate Church discipline. Acts that constitute serious crimes under local law generally would be considered serious transgressions, but acts that are only minor offenses under local law (such as traffic violations or unintentional failure to comply with technical government regulations) generally would not. However, alleged crimes having serious moral overtones may warrant Church discipline even if a criminal court dismisses charges against the transgressor for technical reasons. Such acts as fornication or abortion are serious transgressions though they may not be crimes under local law.

#### Transgressor Who Is a Predator

A disciplinary council must be held for a member who committed a serious transgression that shows him to be a predator with tendencies that are a serious threat to other persons.

#### Pattern of Serious Transgressions

A disciplinary council must be held for a member who committed a serious transgression that continues a pattern of serious transgressions, especially if prior transgressions have resulted in Church discipline.

#### Serious Transgression That Is Widely Known

A disciplinary council must be held for a member who committed a serious transgression that is widely known.

#### When a Disciplinary Council May Be Necessary

##### Abortion

Bishops should review carefully the circumstances of members involved in abortions. Formal Church discipline may be necessary for members who submit to, perform, encourage, pay for, or arrange for abortions. However, Church discipline should not be considered for abortions where the pregnancy resulted from forcible rape or incest, the life or health of the mother was in jeopardy, or the fetus was known to have severe defects that would not allow the baby to survive beyond birth. Bishops should direct questions to the office of the First Presidency, giving the facts in detail.

##### Transsexual Operation

Church leaders counsel against elective transsexual operations. A bishop should inform a member contemplating such an operation of this counsel and should advise the member that the operation may be cause for formal Church discipline. In questionable cases, a bishop should obtain the counsel of the First Presidency.

#### When a Disciplinary Council Is Not Necessary

A disciplinary council generally is not necessary in the following instances.

##### Passage of Time

When a member voluntarily confesses a serious transgression committed long ago and his faithfulness and service in the intervening years have demonstrated full reformation and repentance, a disciplinary council often is unnecessary.

##### Failure to Comply with Some Church Standards

A disciplinary council should not be held to discipline or threaten members who do not comply with the Word of Wisdom or whose transgressions consist of omissions, such as failure to pay tithing, inactivity in the Church, or inattention to Church duties.

##### Business Failures or Nonpayment of Debts

Leaders or members must not use the threat of Church discipline as a form of harassment or as a device to settle business controversies. Business failures, and nonpayment of debts are not reasons for convening a disciplinary council. However, a disciplinary council must be held for serious transgressions, such as deceptive practices, false representations, or other forms of fraud or dishonesty in business transactions (see "When a Disciplinary Council Is Mandatory," p. 10-3).

##### Civil Disputes

Civil disputes among Church members usually are not reasons for a disciplinary council. Disciplinary councils must not attempt to resolve property rights or civil disputes. If Church

leaders are asked to help settle such disputes, they should act as unofficial, private advisers and should not involve the Church. If civil disputes involve accusations that members have committed acts that would justify Church discipline, the accusations should be treated like any other accusations of transgressions.

### Requests for Name Removal

A member's request to have his name removed from the records of the Church should be handled as described in section 8 (see "Removing Names from Church Records," p. 8-4) and not by a disciplinary council.

### Possible Decisions

A disciplinary council can reach any of the following decisions.

#### No Action

A disciplinary council can reach a decision of no action even if a transgression has been committed. As part of this decision, the member may be given cautionary counsel or referred to the bishop for an interview that might lead to informal discipline.

#### Formal Probation

A decision of formal probation restricts or suspends a member's privileges in designated ways until he shows specified progress or meets prescribed conditions. A formal probation is not noted on a membership record. If a member does not make the specified progress or meet the prescribed conditions, the disciplinary council can reconsider the matter and take further action.

#### Disfellowshipment

A person who is disfellowshipped is still a member of the Church, but is no longer in good standing. Disfellowshipment is a severe action that is adequate for all but the most serious transgressions and the most defiant transgressors.

A person who is disfellowshipped may not hold a temple recommend, serve in a Church position, or exercise the priesthood in any way. He should be encouraged to attend public meetings of the Church if his conduct is orderly, but he may not give a talk, offer a public prayer, partake of the sacrament, or vote in the sustaining of Church officers. Additional restrictions or affirmative conditions may be imposed, as in informal probation.

Disfellowshipped members are encouraged to pay tithes and offerings, to continue to wear temple garments if endowed, and to seek a return to fellowship in the Church through sincere repentance and righteous living.

Disfellowshipment usually is temporary, but it can be brief or long. During the time a member is disfellowshipped, he is to fulfill all requirements imposed on him by Church authority. If he shows true

repentance and satisfies the conditions imposed, he is reinstated to full fellowship (see "Ending Probation, Disfellowshipment, or Excommunication," p. 10-11). If he does not repent, the disciplinary council may continue the disfellowshipment or consider excommunication, as the circumstances indicate.

### Excommunication

A person who is excommunicated is no longer a member of the Church and cannot enjoy any membership privileges, including the wearing of temple garments (though endowed) and the payment of tithes and offerings. Excommunicated persons may attend public Church meetings if their conduct is orderly, but their participation in such meetings is limited the same as for disfellowshipped members (see the preceding paragraphs).

Excommunication is an exceptional, ultimate penalty reserved for those circumstances in which it is mandatory or clearly directed by the Spirit (see "When a Disciplinary Council Is Mandatory," p. 10-3).

Excommunication may be necessary for (1) members whose predatory conduct may make them a serious threat to others and whose Church membership facilitates their access to victims or damages the reputation of the Church, (2) Church leaders or prominent members whose transgressions seriously damage the reputation or significantly dilute the moral influence of the Church, or (3) members guilty of serious transgressions for whom the action of disfellowshipment has not produced repentance and for whom excommunication seems to offer the best hope for reformation.

## THE DISCIPLINARY COUNCIL

Because formal Church discipline is ecclesiastical, not civil or criminal, procedures applicable to the courts of the state or nation do not apply. However, the procedures in a Church disciplinary council must be fair and considerate of the feelings of all who participate.

### Church Discipline in Stakes

Church officers in stakes have the responsibilities for Church discipline described in the following paragraphs.

#### Stake Presidency

The stake presidency has authority over the Church discipline of all members in a stake, but bishops should administer most formal Church discipline. If the member in question holds the Melchizedek Priesthood, the stake president must determine whether the bishopric or the stake presidency will proceed with the disciplinary council. In general, the bishopric will proceed, unless excommunication appears to be a likely decision.

The bishopric has authority for the Church discipline of all members in the ward except the excommunication of a member who holds the Melchizedek Priesthood. A bishop must confer with the stake president before holding a disciplinary council. If a disciplinary council is considering formal Church discipline for a member who holds the Melchizedek Priesthood and the evidence indicates that excommunication is the likely decision, the bishopric suspends further proceedings and transfers the matter to the stake presidency.

### High Council

The high council participates whenever a stake presidency holds a disciplinary council to consider formal Church discipline against any member of the Church.

### Participation and Replacement

All three members of the bishopric or stake presidency should participate in a disciplinary council. If one of them is unable to participate, the following instructions apply:

1. If a counselor in a bishopric is unable to participate, the bishop may call a high priest in the ward to take the counselor's place. If a high priest is unavailable, the bishop should refer the matter to the stake presidency.
2. If a bishop is unable to participate, the bishop should refer the matter to the stake presidency.
3. If a high councilor is unable to participate, the stake president should call a high priest in the stake to take the high councilor's place.
4. If a counselor in a stake presidency is unable to participate, the stake president should call a member of the high council to take the counselor's place.
5. If a stake president is unable to participate, the First Presidency may appoint a counselor in the stake presidency to preside in his place.
6. If the filling of one vacancy creates another vacancy, the presiding authority should fill that other vacancy in the manner prescribed in the preceding paragraphs.

If a transgressor objects to the participation of a counselor in the bishopric or stake presidency, the presiding officer must rule on the validity of the objection. If he concludes that the objection is reasonable in fact or in appearance, the challenged counselor should not participate. If the objection is to the bishop, the disciplinary matter must be referred to the stake president. If the objection is to the stake president, or if he feels that he cannot be impartial in the matter, he should consult the office of the First Presidency.

If a member of a bishopric, stake presidency, or high council or a clerk has a legal duty to report to government authorities facts likely to be disclosed in a disciplinary council (such as a policeman or other law enforcement officer), he should not participate.

Church officers in missions have the responsibilities for Church discipline described in the following paragraphs.

### Mission President

When a mission president holds a disciplinary council for missionaries or for members under his jurisdiction, he is assisted by two holders of the Melchizedek Priesthood whom he appoints. A disciplinary council in a mission follows the procedures and exercises the authority specified for a disciplinary council in a stake, except that a high council does not participate. Before convening a disciplinary council for a full-time missionary, a mission president should consult the Missionary Department. When time or distance prevent a mission president from personally holding a disciplinary council for members (but not full-time missionaries) under his jurisdiction, he may appoint a mission disciplinary council consisting of three Melchizedek Priesthood holders. The presiding officer generally would be the member's district president or branch president. This disciplinary council may recommend excommunication, but must obtain the approval of the mission president before the decision is final.

### District President and Branch President

When authorized by the mission president, a district president and a branch president in a mission have a similar responsibility and authority to administer informal Church discipline as a bishop (see "Responsibility for Church Discipline," p. 10-1; "Confessions and Confidentiality," p. 10-2; and "Informal Church Discipline," p. 10-2). But they cannot administer formal Church discipline unless authorized by the mission president in each individual case in the manner specified in the preceding paragraph.

### Notice and Scheduling

Presiding officers should not schedule a disciplinary council until (1) they have had adequate time to determine the relevant facts and (2) they and the transgressor and the aggrieved parties have had adequate time to give unhurried consideration to the consequences of the transgression.

The presiding officer should give a member written notice of the disciplinary council where his conduct will be considered. This notice, addressed to the member by his full name and signed by the presiding officer, should state—

1. That "the [stake presidency or bishopric] is considering formal disciplinary action against you, including the possibility of disfellowshipment or excommunication, because you are reported to have been guilty of [set forth the accusation in very general terms, such as 'apostasy' or 'moral conduct unbecoming a member of the Church,' but do not give any details or evidence]."
2. That "you are invited to attend this disciplinary council to give your response and, if you wish, to



provide witnesses or other evidence in your behalf."

3. That "the disciplinary council will be held on [date and time] at [place]."

Two trusted Melchizedek Priesthood holders should deliver the notice to the member personally and privately with courtesy and dignity. The members who deliver the notice must give to the clerk of the disciplinary council a signed statement certifying that the member was notified and describing how he was notified.

If the notice cannot be delivered in person, it may be sent by registered or certified mail, with a return receipt requested.

A member who is incarcerated at the time the proposed council is to be held should be notified as specified in the preceding paragraphs. He also should be invited to send any evidence in his behalf, including a written response concerning the crime with which he has been charged and of which he has been convicted, and his attitude on his continued fellowship or membership in the Church.

### Procedures

The bishop, stake president, or mission president conducts the disciplinary council and rules on the procedures followed and the evidence presented. A clerk takes notes as a basis for completing the required report.

After the council is opened with prayer, the presiding officer or someone designated by him states the reported misconduct and asks the member to respond by admitting or denying it.

If the member denies the reported misconduct, the presiding officer or someone designated by him presents the evidence of the misconduct. This evidence includes the written or oral statements of witnesses who have knowledge of the matter, reliable documents, and (if applicable and if consent has been given) the substance of the member's confession. The member must be given an opportunity to ask questions of those who are witnesses against him (in the cases of witnesses who are unable to attend, see "Party or Witness Unable to Attend," p. 10-9).

The member then presents his response, bringing in witnesses one at a time, submitting other evidence relevant to the reported misconduct, commenting on the evidence, and making any other statements he wants to make.

Normally, witnesses should be Church members, unless the presiding officer has determined in advance that a nonmember witness will respect the purposes and procedures of a Church disciplinary council. Witnesses wait in a separate room, until they give their evidence. They are asked not to talk with each other about the matter either before or after they testify.

Members of the bishopric or stake presidency may ask questions of the member or witnesses in an orderly, polite manner, avoiding argument.

When all relevant matters have been presented, the presiding officer excuses the member, and the participating priesthood officers prayerfully deliber-

are over what action to take (see "Considerations in Church Discipline," p. 10-9). The presiding officer (stake president, mission president, or bishop) is the judge, and he makes the decision through inspiration. He then seeks to resolve any differences of opinion with his counselors so the decision can be unanimous.

If the evidence is insufficient to justify formal Church discipline but the presiding officer is convinced that the matter should not be concluded at that time by a decision of no action, he may adjourn the council temporarily to seek additional evidence.

After reaching a decision, the bishopric or stake presidency informs the member of the decision by meeting with him (or by other means if necessary). If the decision is probation, disfellowshipment, or excommunication, the presiding officer tells the person the terms and conditions imposed by the decision and tells him in a spirit of love how those restrictions can be overcome. If the person holds a valid temple recommend and the right to enter the temple has been withdrawn, he surrenders the recommend at this time. The presiding officer tells him also of his right to appeal (described in "Right of Appeal," p. 10-8).

The presiding officer should ensure that a person who has been excommunicated, disfellowshipped, or placed on formal probation by a disciplinary council receives prompt written notice of the decision and its effects (even if he has been advised orally), but should not give him a copy of the Report of Church Disciplinary Action. The written notice should consist of a general statement that the person has been placed on formal probation, disfellowshipped, or excommunicated for conduct contrary to the laws and order of the Church.

As a result of excommunication, a person's name is removed from the membership records of the Church. Nevertheless, in most instances Church leaders and members are anxious to encourage and help an excommunicated person repent so he can be baptized again and enjoy the full blessings of membership. To provide this help with repentance, the presiding officer of the disciplinary council should obtain the person's consent to (1) keep his name and address on a list of former members whom local leaders are assisting and (2) forward relevant information to local leaders in any area to which he may move before being baptized again. The presiding officer should do so with genuine love and concern, and at a time when the excommunicated person is most likely to give his consent. This may be immediately after he is told of the excommunication decision or at a later time. If the excommunicated person consents, his consent should be noted on the Report of Church Disciplinary Action form.

The bishop oversees fellowshiping efforts as long as this person resides in his ward (see "Fellowshipping," p. 10-10). If the excommunicated person moves to another ward and if he has consented to having his name and address forwarded, the bishop should communicate the circumstances to the bishop of the new ward.

## High Council Participation

The basic principles governing the participation of the high council are stated in Doctrine and Covenants 102:12–23. The following paragraphs provide additional directions on questions that have arisen as stake presidencies and high councils have applied these basic principles. For example, it should be remembered that a Church disciplinary council is not organized for and does not follow the procedures of a criminal trial. The high council is not a jury, and its members are not prosecutors or defenders.

Except as stated in the following paragraphs, up to the time of deliberation, the procedures for a stake disciplinary council, which always includes a high council, are the same as prescribed for other disciplinary councils, which do not include a high council (see "Procedures," p. 10-7).

During the presentation of evidence, any member of the high council may ask questions in an orderly, polite manner, avoiding argument with the member or witnesses.

After all of the evidence has been presented, the appointed high councilors present their views of the matter. They are not prosecutors or defenders. They are councilors, responsible to see that the evidence is examined in its true light before the council. Each is to speak "according to equity and justice" (D&C 102:16), but one-half of those appointed to speak are responsible specifically "to stand up in behalf of the accused, and prevent insult and injustice" (D&C 102:17).

The accuser (if any) and the accused member then are given another opportunity to speak, after which they are excused from the council room.

After hearing any additional comments from members of the high council, the stake president and his counselors withdraw from the council room and confer in private (see "Considerations in Church Discipline," p. 10-9). After consultation and prayer, the stake president makes the decision and invites his counselors to sustain it. The stake presidency then return and announce the decision to the high council. The high councilors are called upon as a group to sustain the decision of the stake president. The high council cannot veto the decision; it is binding even if it is not sustained unanimously. However, if one or more high councilors object to the decision, the stake president should make every effort to resolve the concerns and achieve unanimity. He may recall witnesses for further questioning. If necessary, the disciplinary council may review the evidence, but not in the presence of the member.

## Right of Appeal

All persons who are excommunicated, disfellowshipped, or placed on formal probation by a disciplinary council have a right to appeal the decision. An appeal from the action of a ward disciplinary council is to the stake presidency (and the high council). An appeal from the action of a stake disciplinary council is to the First Presidency. An appeal from the

action of a mission disciplinary council is to the mission president if he did not participate and, otherwise, to the First Presidency.

An appeal should be in writing and should specify the errors or unfairness the member claims in the procedure or decision. He should present the appeal within thirty days to the presiding officer of the disciplinary council that made the decision. The presiding officer forwards it, with the Report of Church Disciplinary Action and other relevant documents, to the stake or mission president or to the First Presidency.

The decision on the appeal may be to (1) let the initial decision stand, (2) modify the initial decision, or (3) direct the disciplinary council to rehear the matter. In addition, the First Presidency may refer an appeal to another priesthood officer or body for review, with or without additional evidence, and resubmittal to the First Presidency with a recommendation.

## Announcement of Decisions

The announcement of Church discipline needs to be considerate of the feelings of innocent family members of the transgressor and the needs of innocent potential victims.

A decision to place a member on probation is not announced.

Generally, a decision to disfellowship or excommunicate is announced only to those who need to know. The following principles and procedures govern:

1. No announcement is made if a decision is being appealed, unless the presiding officer of the disciplinary council concludes that an announcement pending appeal is necessary to protect innocent potential victims or to safeguard the good name of the Church.
2. The bishop announces the decision in confidence in ward priesthood executive committee meeting to guide priesthood officers who might otherwise consider the disciplined person for Church service.
3. The bishop advises the ward Relief Society president in confidence when a member of the Relief Society is involved.
4. If a case concerns (a) the preaching of false doctrine, (b) a transgressor whose predatory tendencies seriously threaten other Church members, or (c) other flagrant transgressions (such as the ridicule of Church leaders, plural marriage, or cultist teachings to attract a following) then, with the approval of the stake president, the bishop of the transgressor announces the action in Melchizedek Priesthood quorum and group meetings and in a Relief Society meeting in his ward. In such cases, the stake president also may need to make a broader announcement, such as in a stake priesthood meeting or to the Melchizedek Priesthood members and Relief Society members of other wards in the stake.

5. An announcement should be limited to a general statement that the person named has been disfellowshipped or excommunicated for conduct contrary to the laws and order of the Church. The officer making the announcement should ask those hearing it not to discuss it with anyone. Announcements of disfellowshipment or excommunication never require a sustaining vote.
6. To dispel rumors, a bishop or stake president may need to announce that a disciplinary council considered charges against a member but that no action was taken.
7. If a person's name has been removed from the membership records of the Church in response to his request (see "Removing Names from Church Records," p. 8-4), and if the presiding authority concludes that an announcement is necessary, the announcement should merely state that the action was taken at the person's request and should not use the word excommunication.

### Reports

The presiding officer has the proceedings of the disciplinary council summarized on a Report of Church Disciplinary Action form. Instructions are on the form. If the decision of the council is no action or formal probation, the presiding officer retains the form until it no longer is needed. If the decision is disfellowshipment or excommunication, the presiding officer sends the form to the office of the First Presidency.

### Procedures in Exceptional Circumstances

#### Conduct Examined in Civil or Criminal Courts

Generally, a Church disciplinary council is not held to consider conduct being examined by a criminal or civil court until the court has reached a final judgment and until the period of appeal has expired or the appeal has been rejected. However, priesthood leaders should proceed with informal or formal Church discipline when evidence of transgression is available and they have persuasive reasons not to wait longer.

When a member is convicted of a crime or found guilty in a civil action of fraud or other dishonest or immoral conduct, the judgment of the criminal or civil court is a sufficient basis to hold a Church disciplinary council (but see the cautions in "When a Disciplinary Council Is Mandatory," p. 10-3). A finding of guilt in a court may be considered as evidence of guilt for purposes of Church discipline. Reliable evidence submitted to a court can be considered also in a Church disciplinary council.

#### Party or Witness Unable to Attend

If a party or an essential witness is unable to attend a disciplinary council, the bishop should invite him to submit a written statement. Such statements may be considered as evidence. When necessary, the party or witness may be questioned further, in writing or orally.

#### Preserving Evidence

If the bishop concludes that he needs to consider

Church discipline for a member of his ward, and if the evidence to be given by a witness will not be available at the time the disciplinary council is held, he should invite the witness to record his testimony in writing for use when needed.

### Evidence Where Adultery Is Charged

If a person who is reported to be guilty of adultery denies the report and the matter is being considered in a disciplinary council, the revelation requires that "every word shall be established against him or her by two witnesses of the Church" (D&C 42:80). "Two witnesses" means two separate sources of evidence. This could include the personal evidence of a participant and some other source of evidence of the member's guilt.

### Questions about Procedure

If a bishop is unsure of the procedures to follow in administering Church discipline, he should consult with his stake president. A stake president should refer unresolved procedural questions to the office of the First Presidency.

### Questions about Decisions

Bishops or stake presidents should not expect General Authorities to tell them how to decide difficult matters. Decisions on Church discipline are within the discretion and authority of bishops and stake presidents as they prayerfully seek guidance from the Lord.

### Modification of Rules or Procedures

The First Presidency has the ultimate authority over all Church discipline, and their decisions take precedence despite any rules or procedures to the contrary.

## CONSIDERATIONS IN CHURCH DISCIPLINE

Some of the factors that may be considered in reaching decisions on formal and informal Church discipline are stated in the following paragraphs. They are listed in order from those that weigh in favor of more stern discipline to those that weigh in favor of more lenient discipline. None of these factors dictates any particular decision. They are only aids to a decision that must be pursued prayerfully and dictated by the Spirit of the Lord to serve the purposes of Church discipline (see "The Purposes of Church Discipline," p. 10-1).

### Violation of Covenants

If the transgressor has been endowed, he has made covenants that subject him to a higher standard of behavior than applies to those who have not been endowed. Similarly, adultery is a more serious transgression than fornication because adultery is a sexual transgression that also involves a violation of marriage covenants.



#### Position of Trust or Authority

If a transgressor occupied a position of trust or authority (such as bishop or teacher) that was violated by the transgression, its seriousness is magnified. Incest is a most serious form of sexual transgression because it also violates the sacred trust of parental authority. Embezzlement is a most serious form of theft because the transgressor has been trusted with funds; it is a particularly serious offense when it involves Church funds.

#### Repetition

If a transgression previously confessed and seemingly forsaken is repeated, the repetition may be viewed as part of a pattern of conduct, even though the earlier transgression has been resolved with Church authorities. As the Lord warned those he had forgiven, "Go your ways and sin no more; but unto that soul who sinneth shall the former sins return" (D&C 82:7).

#### Magnitude

The seriousness of a transgression is measured in part by the number of sinful acts and the number of persons injured. The number of persons who are aware of the transgression also is a consideration in its seriousness.

#### Age, Maturity, and Experience

Disciplinary councils are to consider age, maturity, and experience because of the commandment: "For of him unto whom much is given much is required; and he who sins against the greater light shall receive the greater condemnation" (D&C 82:3).

Leniency is appropriate for those who are immature in the gospel. Leniency is appropriate also for young members involved in moral transgressions who forsake their sins and manifest a sincere spirit of repentance. However, young members who continue in immoral conduct after counseling and probation may require action by a disciplinary council.

#### Interests of the Innocent

The interests of innocent victims and innocent members of the transgressor's family should be considered in determining the nature of discipline and the extent to which it is announced.

#### Time between Transgression and Confession

If a transgression occurred many years before it was confessed, the intervening circumstances should be considered carefully. If the sin was not repeated and the member has lived righteously in the interim, the member's conduct during the intervening time can show that the sin has been forsaken. In this instance, the confession is the completion rather than the start of the process of repentance.

#### Voluntary Confession

Voluntary and complete confession demonstrates

a repentant attitude, which favors leniency. An admission of guilt after a person has been accused or interviewed about a transgression is less indicative of repentance. A person who admits guilt when interviewed by a bishop shows greater repentance than one who tries to deceive and admits guilt only when confronted with evidence.

#### Evidence of Repentance

Generally, evidence of repentance is the most important single factor in determining what needs to be done to accomplish the first purpose of Church discipline: to save the soul of the transgressor. True repentance is demonstrated more reliably by righteous actions over a period of time than by intense sorrow during a single interview. Judgments about the adequacy of repentance require spiritual discernment. Factors to consider include the nature of the confession, the depth of sorrow for the transgression, the success at forsaking the sin, keeping other commandments with faithfulness, truthful communications to Church officers, restitution to injured persons, the observance of legal requirements, and willingness to follow the direction of Church authorities.

### FELLOWSHIPING AND RESTORATION

#### Fellowshipping

The bishop's role as a common judge is not concluded when a member has been put on formal probation, disfellowshipped, or excommunicated. It continues until the person returns to full fellowship and receives a restoration of blessings. Disciplinary action should be the first step on the way back to the full blessings of Church membership.

The time just after a person has been disciplined is difficult and critical for the person and his family. During this time, priesthood leaders and other Church members should be patient and sensitive to the needs of those involved, and should give special encouragement and assistance to them. The bishop should interview the person frequently and, where necessary, his spouse.

The bishop should see that mature, specially-called home teachers and visiting teachers (in some cases, couples) are assigned to a person who has been disfellowshipped or excommunicated and to his immediate family members. These teachers should make regular contacts and see that the person and his family (especially the spouse) receive the attention, counsel, and fellowship needed during this critical period of anguish, repentance, and healing.

If a person who has been disciplined moves from the ward before he has returned to full fellowship and received a restoration of blessings, the bishop should inform the bishop of the person's new ward of the discipline and what remains to bring the member back to full fellowship and a restoration of blessings. The bishop should make this same contact for

excommunicated persons who have consented to have their names on a list of former members. (See "Procedures," p. 10-7).

### **Ending Probation, Disfellowshipment, or Excommunication**

Only the bishopric of the ward or presidency of the stake where the person currently resides has the authority to end formal probation, to reinstate a member to full fellowship, or to approve baptism again. Generally, the same level of ecclesiastical authority that took the disciplinary action must convene to consider the proposed change of status. This authority should consider the proposed change according to the guidelines in the following paragraphs.

#### **Reviewing the Proceedings of the Original Council**

The bishop or stake president should review the proceedings of the original disciplinary council. For disfellowshipped or excommunicated persons, they should review the Report of Church Disciplinary Action that summarizes the action of the original disciplinary council. The bishop or stake president may obtain this form from the office of the First Presidency.

For members on formal probation, the current bishopric or stake presidency should contact the bishopric or stake presidency where the initial disciplinary decision was made and obtain their copy of the Report of Church Disciplinary Action.

#### **Interviewing the Person**

The bishop or stake president should interview the person thoroughly to determine the extent of repentance and whether the conditions specified in the original disciplinary action have been met. Excommunicated persons who are still on official probation or parole from criminal court action should not be considered for baptism until probation or parole is completed. Any exceptions require the approval of the First Presidency.

#### **Consulting with the Bishop or Stake President Where Action Was Taken**

Where there is an aggrieved victim (such as for incest, child abuse, or spouse abuse) whose circumstances are known within the ward or stake where the disciplinary action was taken, the disciplined person cannot return to fellowship or be baptized again until his present bishop or stake president has consulted with the current bishop of the ward or president of the stake where the action was taken and obtained his opinion on the advisability of the proposed change of status.

#### **Concurrence of the Stake President**

If a bishopric is ready to convene a disciplinary council to change a status decided in a prior disciplinary council, the bishopric should first secure the concurrence of the stake president.

#### **Notice of the Disciplinary Council**

The bishopric or stake presidency should notify the person of the date, time, and place of the disciplinary council where his change of status will be considered so he can attend or submit a written statement if he desires.

#### **Disciplinary Council**

The bishopric or stake presidency hold the disciplinary council and decide whether to change the status.

#### **Approval of the First Presidency**

If the person was disfellowshipped or excommunicated for any of the following reasons and if the disciplinary council decides to change the person's status, the council must obtain the approval of the First Presidency before notifying the applicant of the decision:

1. Murder (as defined in "Murder," p. 10-3).
2. Incest (as defined in "Incest," p. 10-3).
3. Advocating or teaching the doctrines of apostate sects that practice plural marriage, or affiliating with such groups.
4. The commission of a serious transgression while serving in a prominent Church position (as defined in "Serious Transgression While Holding a Prominent Church Position," p. 10-4).
5. An elective transsexual operation.
6. The embezzlement of Church funds in substantial amounts.

The bishop or stake president should complete and submit an Application for Reinstatement of Disfellowshipped Member or, for excommunicated persons, an Application for Readmission into the Church. These forms are available from the office of the First Presidency. The office of the First Presidency will notify the stake president whether reinstatement or readmission is denied or approved.

#### **Notice of the Decision**

The presiding officer of the disciplinary council is to communicate the decision by letter to the person:

1. If the decision modifies or ends a formal probation or reinstates the member to full fellowship, he is so advised.
2. If the decision readmits an excommunicated person, he is so advised, and is also told that baptism is required and that arrangements can now be made.

#### **Submitting Reports**

In all instances of reinstatement and readmission, a stake president should receive and review the documents reporting the action of a disciplinary council, sign the Report of Church Disciplinary Action, and send these items to the office of the First Presidency.